

**OPINION
54-83**

July 23, 1954 (OPINION)

MOTOR VEHICLES

RE: Equipment - "Hollywood" Mufflers

I wish to acknowledge receipt of your request for an opinion as to the legality of the use of mufflers of the type known as Hollywood and Smitty mufflers.

Section 39-1129 of the North Dakota Revised Code of 1943 provides that no person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

It is the opinion of this office that if any person operates a motor vehicle, whether equipped with a faulty muffler of a standard design or a muffler purposely designed to make excessive or unusual noises under certain circumstances, and such muffler does not constantly operate or is not constantly operated to prevent excessive or unusual noise and annoying smoke, such person is in violation of this law and subject to the penalties prescribed by law.

LESLIE R. BURGUM

Attorney General